

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 747

Short Title: NC Missing Person Information Sharing. (Public)

Sponsors: Representatives McNeill, Faircloth, Floyd, and C. Smith (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Rules, Calendar, and Operations of the House

April 16, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO ENTER MISSING OR
3 UNIDENTIFIED PERSONS INFORMATION INTO THE NATIONAL MISSING AND
4 UNIDENTIFIED PERSONS SYSTEM AFTER THIRTY DAYS HAVE PASSED AND
5 THE PERSON HAS NOT BEEN FOUND OR IDENTIFIED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Subpart B of Article 13 of Chapter 143B reads as rewritten:

8 "Subpart B. North Carolina Center for Missing Persons.

9 ...

10 **"§ 143B-1011. Definitions.**

11 For the purpose of this Part:

- 12 (1) ~~"Missing child" means a~~ Missing child. – A juvenile as defined in G.S. 7B-101
13 whose location has not been determined, who has been reported as missing to
14 a law-enforcement agency, and whose parent's, spouse's, guardian's or legal
15 custodian's temporary or permanent residence is in North Carolina or is
16 believed to be in North Carolina.
- 17 (2) ~~"Missing person" means any~~ Missing person. – Any individual who is 18
18 years of age or older, whose temporary or permanent residence is in North
19 Carolina, or is believed to be in North Carolina, whose location has not been
20 determined, and who has been reported as missing to a law-enforcement
21 agency.
- 22 (3) ~~"Missing person report" is a~~ Missing person report. – A report prepared on a
23 prescribed form for transmitting information about a missing person or a
24 missing child to an appropriate law-enforcement agency.
- 25 (4) NamUS. – The National Missing and Unidentified Persons System created by
26 the United States Department of Justice's National Institute of Justice.

27 ...

28 **"§ 143B-1013. Secretary to adopt rules.**

29 The Secretary shall adopt rules prescribing:

- 30 (1) ~~procedures~~ Procedures for accepting and disseminating information
31 maintained at the ~~Center~~; Center.
- 32 (2) ~~the~~ The confidentiality of the data and information, including the missing
33 person report, maintained by the ~~Center~~; Center.



- 1 (3) ~~the~~The proper disposition of all obsolete data, including the missing person
2 report; provided, data for an individual who has reached the age of 18 and
3 remains missing must be ~~preserved;~~preserved.
4 (4) ~~procedures~~Procedures allowing a communication link with the Police
5 Information Network and the FBI/NCIC's missing person file to ensure
6 compliance with FBI/NCIC ~~policies;~~ and policies.
7 (5) ~~forms,~~Forms, including but not limited to a missing person report, considered
8 necessary for the efficient and proper operation of the Center.
9

10 **"§ 143B-1015. Dissemination of missing persons data by law-enforcement agencies.**

11 (a) A law-enforcement agency, upon receipt of a missing person report by a parent,
12 spouse, guardian, legal custodian, or person responsible for the supervision of the missing
13 individual shall immediately make arrangements for the entry of data about the missing person
14 or missing child into the national missing persons file in accordance with criteria set forth by the
15 FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person
16 report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the
17 lookout for the individual, and transmit a copy of the report to the Center. No law enforcement
18 agency shall establish or maintain any policy which requires the observance of any waiting period
19 before accepting a missing person report.

20 If the report involves a missing child and the report meets the criteria established in
21 G.S. 143B-1021(b), as soon as practicable after receipt of the report, the law enforcement agency
22 shall notify the Center and the National Center for Missing and Exploited Children of the relevant
23 data about the missing child.

24 (b) A law-enforcement agency may enter missing or unidentified person information into
25 NamUS at any time.

26 (c) A law-enforcement agency shall enter missing or unidentified person information into
27 NamUS when:

- 28 (1) A missing person has been missing for more than 30 days.
29 (2) An unidentified person has not been identified for more than 30 days
30 following the person's death.

31 (d) If a law-enforcement agency enters missing or unidentified person information into
32 NamUS pursuant to subsection (b) or (c) of this section, the law-enforcement agency shall:

- 33 (1) Include all information regarding the missing or unidentified person,
34 including medical records, DNA records, and dental records.
35 (2) Enter into NamUS the fact that a missing person has been found or an
36 unidentified person identified if either of these circumstances occurs
37 following the original entry of the person's information into NamUS.

38 **"§ 143B-1016. Responsibilities of Center.**

39 The Center shall:

- 40 (1) Assist local law-enforcement agencies with entering data about missing
41 persons or missing children into the national missing persons file, ensure that
42 proper entry criteria have been met as set forth by the FBI/NCIC, and confirm
43 entry of the data about the missing persons or missing ~~children;~~children.
44 (2) Gather and distribute information and data on missing children and missing
45 ~~persons;~~persons.
46 (3) Encourage research and study of missing children and missing persons,
47 including the prevention of child abduction and the prevention of the
48 exploitation of missing ~~children;~~children.
49 (4) Serve as a statewide resource center to assist local communities in programs
50 and initiatives to prevent child abduction and the exploitation of missing
51 ~~children;~~children.

- 1 (5) Continue increasing public awareness of the reasons why children are missing
2 and vulnerability of missing ~~children;~~children.
- 3 (6) Achieve maximum cooperation with other agencies of the State, with agencies
4 of other states and the federal government and with the National Center for
5 Missing and Exploited Children in rendering assistance to missing children
6 and missing persons and their parents, guardians, spouses, or legal
7 ~~eustodians;~~custodians.
- 8 ~~(6a) and cooperate~~ Cooperate with interstate and federal efforts to identify
9 deceased ~~individuals;~~individuals.
- 10 (7) Develop and maintain the AMBER Alert System as created by
11 G.S. 143B-1021.
- 12 (8) Forward the appropriate information to the Police Information Network to
13 assist it in maintaining and publishing a bulletin of currently missing children
14 and missing ~~persons;~~persons.
- 15 (9) Maintain a directory of existing public and private agencies, groups, and
16 individuals that provide effective assistance to families in the areas of
17 prevention of child abduction, location of missing children and missing
18 persons, and follow-up services to the child or person and family, as
19 determined by the Secretary of Public ~~Safety;~~Safety.
- 20 (10) Annually compile and publish reports on the actual number of children and
21 persons missing each year, listing the categories and causes, when known, for
22 the ~~disappearances;~~disappearances.
- 23 (11) Provide follow-up referrals for services to missing children or persons and
24 their ~~families;~~families.
- 25 (12) Maintain a toll-free 1-800 telephone service that will be in service at all ~~times;~~
26 ~~and~~times.
- 27 (13) Perform such other activities that the Secretary of Public Safety considers
28 necessary to carry out the intent of its mandate."

29 **SECTION 2.** This act becomes effective October 1, 2019.